No.
Filed today
by Shri
For Registrar,
M.P. State Adm. Tribunal,
RAIPUR.

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(2)

BEFORE THE HON'BLE ADMINISTRATIVE TRIBUNAL BENCH AT RAIPUR C.G.

O.A.No._____/2001

WP/S/4174/01

BETWEEN:

1. Sunil Chandra Haldar son of Vishwambhar aged 32 years Govt. Primary School, Pakhanjore.

2. Vikram Singh Besra son of Lacchhan Singh Besra, 41 years, Govt.Primary School, Pakhanjore.

3. Smt.Indira Thakur aged 35 years W/o. Shri Shyamsundar Thakur Govt.Primary School, Pakhanjor.

4. Smt.Amita Das W/o. Shri N.C.Pal, Govt.Primary School, Adapharsi.

5. Vijan Bihari Mandal son of Bankim Chandra Mandal, 38 years Govt.Middle School, Pakhanjor.

6. Ashutosh Majumdar S/o Indu Bhusan Mazumdar, aged 38 years Govt.Primary School, Pakhanjor. ..... PETITIONERS.

VERSUS

1. State of Chhattisgarh through The Secretary, Deptt.of Education Mantralaya, D.K.S.Bhawan Raipur.

2. Director, Department of Education, Raipur C.G.

3. Joint Director, Education District Kanker C.G.

4. Collector, Kanker District Kanker C.G. ..... RESPONDENTS.

PETITION UNDER SECTION 19 M.P.ADMINISTRATIVE TRIBUNAL ACT 1985

(44)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 4174 of 2005

Petitioners : Sunil Chandra Haldar & others

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Kishore Bhaduri, Advocate for the Petitioners.
Shri Utkarsh Verma, Govt. Advocate for the State/respondents.

ORDER

(27th October, 2006)

1. Learned counsel appearing for the petitioners submits that while working as Assistant Teacher, the petitioners had gone on training to improve their qualifications on their own expenses and acquired B. Ed. Examination Certificate prior to 1.3.1999.

2. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 (Annexure P/7) issued by the State Government of Madhya Pradesh.

3. Further in the matter of Smt. Manorama Shrivastava Vs. State of M.P. and others { 2000 (1) M.P.L.S.R. 136 } the Madhya Pradesh State Administrative Tribunal, Gwalior Bench, while considering the circular dated 1.3.1999 wherein, it is provided that the Assistant Teachers, who have acquired B.Ed. degree at their own cost between 23.10.1964 and 7.5.1973 shall be entitled to two advance increments, relied on decision in the case of Rakesh Kumar Shrivastava Vs. State of M.P. & others passed in O.A.No. 1632/99, decided on 12.10.1999 wherein it is observed that the

circular dated 1.3.1999 cannot be made applicable retrospectively. Thus, a teacher, may be Assistant Teacher, who has obtained B.Ed. degree before 1.3.1999 is entitled to two advance increments.

4. It is pointed out by learned counsel appearing for the petitioners that the then State of Madhya Pradesh had filed a Special Leave Petition against the orders passed by the Tribunal and the Hon'ble Supreme Court dismissed Special Leave Petition No. 1999/2000 filed against the order of the Tribunal. Therefore, the direction to the effect that the circular dated 1.3.1999 cannot be made applicable retrospectively, passed by the Tribunal, becomes final and the same shall be applicable to all the Assistant Teachers who have obtained B.Ed./B.T.I. examination certificate before 1.3.1999. It is further substantiated by a circular dated 17.10.2003 issued by the present State of Madhya Pradesh wherein the circular clearly states about the decision of the Supreme Court.

5. Learned counsel for the petitioners further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

6. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired B.Ed./B.T.I. Examination Certificate on their own expenses and further whether they have been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur